THE HON'BLE SRI JUSTICE L. NARASIMHA REDDY

W.P.NO.20330 OF 2005

Dated 27-09-2005

Between:

K.Bhagavan,

Hyderabad

…Petitioner

A n d

The Administrative Officer,

Government of India,

Department of Automic Energy,

Hyderabad.

…Respondent

THE HON'BLE SRI JUSTICE L. NARASIMHA REDDY

W.P.NO.20330 OF 2005

ORDER:

This writ petition is filed seeking a declaration that the action of the respondent in not conceding the request of the petitioner for providing appointment on compassionate grounds, is illegal, arbitrary and contrary to the law.

The father of the petitioner by name K.V.S. Seshadri, was working as a Male Nurse in the Medical Section of the Department of Automic Energy, Neclear Fuel Complex,

Hyderabad. He died on 7-4-1999, due to ill-health, while in service. The family was extended the death/retirement benefits, payable to the deceased employee. The petitioner submitted an application for providing appointment on compassionate grounds, on 29-12-1999. Through its order dated 13-02-2004, the respondent rejeceted the claim of the petitioner, on the ground that their verification revealed that the family of late K.V.S. Seshadri, is not in penury. It was also pointed out that the mother of the petitioner, *viz*., Smt. Vijayalakshmi, is employed as Junior Assistant in the Endowment Department.

The record discloses that, on the death of the employee, the family was paid a sum of Rs.1,34,000/- in lump sum, and the pension is also being paid at the rate of Rs.4,400/- per month, regularly. Under these circumstances, it cannot be said that the family is in penury.

In ***K.R.Sulochana Devi v. Chairman, Railway Board***,[1] this Court took the view that if the family of the employee, who died in harness, was extended the financial benefit by the employer, to such an extent, as to enable the family to tied over the financial difficulties; providing employment on compassionate grounds cannot be claimed as of right. The judgments of the Supreme Court in ***Umesh Kumar Nagpal v. State of Haryana***[2] and ***Sushma Gosain v. Union of India***[3] were referred to, therein. The said judgment applies to the facts of this case also. Hence, the writ petition is liable to be dismissed.

Learned counsel for the petitioner relied upon a judgment of the Supreme Court in ***Govind Prakash Verma v. L.I.C. of India***[4].

A perusal of the same discloses that the denial of employment to the petitioner therein, was on account of the fact that another member of the family was employed. The aspects, which were referred to, in other judgments rendered by the Supreme Court, were not either deviated from, or overruled.

For the foregoing reasons, the writ petition is dismissed. There shall be no order as to costs.

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L. NARASIMHA REDDY, J.

Dt.27-09-2005

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